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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,213	07/19/2001	Paul McAlinden	INTL-0601-US (P11742)	9707

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EXAMINER	
GESESSE, TILAHUN	
ART UNIT	**PAPER NUMBER**
2684	5

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

Office Action Summary	Application No.	Applicant(s)	
	09/909,213	MCALINDEN, PAUL	
	Examiner	Art Unit	
	Tilahun B Gesesse	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This is in response to applicant's amendment and argument filed October 29, 2003 in which claims 1-30 are pending.

2. Applicant's amendment of title in response to the objection of title is acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kermode et al (6,018359) in view of XP-000700330) "Carter" in further view of Campanella et al "campanella" (6,115,366).

As to claims 1,13 and 25, Kermode discloses a method comprising: transmitting programs to two different receivers (column 5, line 49-column 6, line 12 and 120i and 120ii of figure 1), determining the time difference between a first program (channels M) being transmitted to a first receiver (120i)and a second program (channels n) transmitted to a second receiver (120ii) (column 4, lines14-23 and figure 2). Kermode does not specifically disclose reducing the time difference between said programs. However, Carter discloses a segment broadcasting system can significantly reduce client latencies over staggered broadcasting system (page 113, column 2 lines 6-16). Since Kermode and Carter are with similar field of endeavor, video on demand

broadcasting technique. Then it would have been obvious to one of ordinary skill in the art at the time of invention was made to improve the latency of distribution of video transmission, as taught by Carter, in order to conserve the resource of transmission bandwidth by minimizing the delay of tranmission.

Kermode and '330 do not expressly teach the time difference is below a predetermined time difference. However, Campanella , in the same field of endeavor, teaches a broadcast station transmits programs (abstract), futher more, Campanella teaches correlative time not occurred for the minimum number to reach the synchronization threshold (column 15, lines 23-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Kermode , 330 and Campanella, in generating a threshold or minimum time to reduce the difference between the programs broadcast at the station , as taught by Campenella , in order to avoid distortion and conserve resource.

As to claim 2, Kermode discloses transmitting programs to two different (channel m and channel n)receivers (120i and 120ii) involve distributing programs over a wireless network (figure 1).

As to claim 3, Kermode discloses transmitting programs includes distributing programs over a cable network (column 5 lines 14-19 and figure 1).

As to claim 4, Kermode discloses transmitting programs to two different receivers in response to two different requests for programs (abstract).

As to claim 5, Kermode discloses transmitting programs in an on

demand basis (abstract).

As to claim 6, Kermode discloses determining whether the time difference between a first program and second program is above a predetermined time difference (column 6 lines 24-35 and figure 2).

As to claim 7, Kermode discloses determining whether the time difference between the first program and the second program is sufficient to attempt to reduce the time difference between the programs (column 4, lines 20-24).

As to claim 8, Kermode discloses reducing the time difference between said programs includes time compressing one of said programs more than the other and transmitting said programs (column 4, lines 20-24).

As to claim 9, Kermode discloses the time difference between said programs includes reducing the rate of data transfer of one of said programs (column 6, lines 20-35 and figure 2)

As to claim 10. The method of claim 1 wherein reducing the time difference between said programs includes increasing the rate of content transmission of the first program and decreasing the rate of content transmission of the second program until the time difference between said programs is substantially zero (column 6, lines 20-35 and figure 2).

As to claim 11, Kermode discloses reducing the time difference between said programs until the time difference is substantially zero and then transmitting the first second programs over the same channel to two different receivers (figures 1 and 2).

As to claim 12, Kermode dislcoses initially transmitting the first and second. programs on different channels (channel M and channel N of figure 1), reducing the time difference between said programs on different channels until the time difference is substantially zero (figure 2), transmitting both programs on a first channel to two different receivers and freeing a second channel for transmission of another program (figures 1and 2).

As to claim 14, Kermode discloses storing instructions that enable the processor-based system to distribute programs over a wireless network (110 of figure 1).

As to Claim 15, Kermode discloses storing instructions that enable the processor-based system to distribute programs over a cable network (column 5, line 14-25).

As to claims 16-19, Kermode discloses storing instructions that enable the processor-based system to transmit programs to two different receivers (receive 1 and 2) in response to two different requests for programs (figure 1).

As to claim 20, Kermode the storing instructions that enable the processor-based system to time compress one of said programs more than the other and transmit said programs (column 3 lines 14-25 and figure 1) .

AS to claim 21, Kermode discloses storing instructions that enable the processor-based system to reduce the rate of data transfer of one of said programs to reduce the time difference between said programs (column 4, 29-40).

As to claim 22, Kermode discloses storing instructions that enable the

processor-based system to increase the rate of content transmission of the first program and decrease the rate of content transmission of the second program until the time difference between said programs is substantially zero (column 4, lines 29-40 and figure 2).

As to claim 23, Kermode discloses storing instructions that enable the processor-based system to reduce the time difference between the programs until the time difference is substantially zero and then transmit the first and second programs over the same channel to two different receivers (column 4, lines 29-40 and figures 1 and 2).

As to claim 24, Kermode discloses storing instructions that enable the processor-based system to initially transmit the first and second programs on different channels, reduce the time difference between the programs on different channels until the time difference is substantially zero, transmit both programs on a firs channel to two different receivers and free a second channel for transmission of another program (column 4, lines 29-40 and figure 1 and 2).

As to claim 26, Kermode discloses a system (figure 1) comprising: a server (115i and 115ii), a transmission device (110) coupled to said server (115i and 115ii), a database of electronic files; a storage storing instructions that enable the server to transmit files to two different receivers over said transmission device, determine the time difference between a first file being transmitted to a first receiver and a second file being transmitted to a second receiver and reduce the time difference between the files (column 4, lines 29-40 and figure 1 and 2).

As to claim 27, Kermode discloses the transmission device is a cable network transmission device (column 5 lines 14-33 and figure 1).

As to claim 28, Kermode discloses the stores instructions that enable the server to determine whether the time difference between a first and second file is above a predetermined time difference (figure 1 and 2).

As to claim 29, Kermode discloses the storage stores instructions that enable the server to determine whether the time difference between a first file and a second file is sufficient to attempt to reduce the time difference between the files (column 6, lines 14-36).

As to claim 30, Kermode discloses the storage stores instructions that enable the server to reduce the rate of content transfer of one of said files to reduce the time difference between said files (column 4, lines 14-45 and figure 1 and 2).

Response to Arguments

5. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TILAHUN GESESSE
PATENT EXAMINER

TBG

Art Unit: 2684

January 12, 2004